

Application Serial No. 10/571,730  
Attorney Docket No. 10191/4357  
RCE Reply to Final Office Action of October 1, 2009

**AMENDMENTS TO THE DRAWINGS:**

The accompanying Replacement Sheet is for Figure 1 and replaces the original sheet for Figure 1. In Figure 1, the reference label "10" has been removed. No new matter has been added. Approval and entry are respectfully requested.

Attachments: One (1) Replacement Sheet

**REMARKS**

Claims 14 to 18 are added, and therefore claims 5 to 18 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for acknowledging the claim for foreign priority, and for indicating that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO 1449 paper and cited references.

The drawings were objected to in a previous Office Action because Figure 1 included the reference label "10" not mentioned in the specification.

Figure 1 has been corrected to remove the reference label "10". To the extent that the replacement drawing sheet for Figure 1 was not earlier received by the Office, another copy of the replacement drawing sheet accompanies this response. Approval and entry are respectfully requested. Withdrawal of the objections to the drawings is therefore respectfully requested.

The Final Office Action's Comments apparently indicate that claims 8, 12 and 13 somehow don't reflect the claimed subject matter. *While the Comments may not be agreed with, to facilitate matters*, claims 8, 12 and 13 have been rewritten to better clarify the claimed subject matter. Claims 8, 12 and 13, as presented, include the feature in which *data transmission during the time between the end of the first time interval and the end of the second time interval is only provided from the sensors to the control unit, and not from the control unit to the sensors.*

Claims 5 to 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,540,890 ("Gangemi").

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Final Office Action does not meet this standard,

for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Final Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art.” (*See* M.P.E.P. § 2112; emphasis in original; and *see Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int’f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

*While the rejections may not be agreed with, to facilitate matters*, claim 5 has been rewritten to better clarify the claimed subject matter.

Claim 5, as presented, includes the feature in which, *upon being triggered, the first and second timing sequence control systems control the transmission of the first and second sensors so that the first and second sensors each transmit data via the line at least once independent of any change in a power level received by the first and second timing sequence control systems.*

Even if the “Gangemi” reference did refer to remote units that transmit data according to a sequence of pulses, it does not identically disclose (nor even suggest) the features in which *first and second timing sequence control systems that, upon receiving a first power level and being triggered, control the transmission of first and second sensors so that the first and second sensors each transmit data at least once independent of any change in a power level received by the first and second timing sequence control systems*, as provided for in the context of the presently claimed subject matter.

Instead, for example, if two remote units as referred to by the “Gangemi” reference were to sequentially transmit data, even if the first remote unit did transfer data after receiving a first power level, the second remote unit depends upon a change in the power level and it therefore cannot transfer data without receiving a different power level sufficient to establish a separate pulse.

Accordingly, the “Gangemi” reference cannot and does not anticipate claim 5, as presented, so that claim 5 is allowable, as are its dependent claims.

Claim 9, as presented, includes features like those of claim 5, as presented, and it is allowable for essentially the same reasons, as are its dependent claims.

New claims 14 to 18 do not add any new matter and are supported by the present application, including the specification. Claims 14 and 15 depend from claim 9, and they are therefore allowable for at least the same reasons, and for the further reason that they include combinations of claim features not disclosed by the applied reference(s). Claims 16 to 18 depend from claim 5 and they are therefore allowable for at least the same reasons, and for the further reason that they include combinations of claim features not disclosed by the applied reference(s).

In summary, all of pending claims 5 to 18 are allowable.

### CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims 5 to 18 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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Dated: 12/4/2009

By: [Signature]

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